



Greater Hartford Legal Aid

Late 11:30 W

To: Planning and Development Committee
From: David A. Pels
Re: Raised Bills 5255 and 5031
Date: March 10, 2010

I urge the Planning and Development Committee to reject Sections 2 and 3 of Raised Bill 5255 and Sections 3 and 4 of Raised Bill 5031. These provisions would shift the responsibility for storing the possessions of homeowners and tenants after foreclosure and eviction from municipalities to the state marshals.

As a legal services attorney who has represented tenants for over 35 years, I have observed that the present system of storage by the municipalities has worked well. It is essential that a neutral third party with the capacity and experience be involved when the property of homeowners and tenants is removed under court order at the conclusion of foreclosure and eviction cases. This permits an orderly process that permits the homeowners and tenants to claim their property after the removal.

The problem with shifting the responsibility to the state marshals is that, unlike municipalities, state marshals have no storage facilities and the bill provides for no financial resources for the marshals to provide the service which is now a part of a municipality's budget. No state marshal is going to provide the storage and other statutory responsibilities without getting paid for all of the inherent costs prior to removing the goods.

The alternative, which has been suggested in previous years, of shifting the responsibility to the landlord is even worse. If a landlord-tenant relationship has deteriorated to the point where the tenant's property has to be physically removed, the landlord has no incentive to properly store and account for the property. There would be rash of lawsuits regarding claims of stolen and damaged property as well as the need for increased police involvement for associated criminal complaints concerning thefts and possibly assaults.

The amendments proposed to Conn. Gen. Stat. §§47a-42 and 49-22 are not necessary and should be rejected.

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